

# Tom Green County



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Opinion Committee

THOMAS M. GOFF -- COUNTY ATTORNEY

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## REQUEST FOR ATTORNEY GENERAL'S OPINION

RQ-1107

March 5, 1998

Opinion Committee  
Attorney General of Texas  
Attn: Sara Shirley  
209 W. 14th St.  
Price Daniel Sr. Bldg  
Austin, Tx. 78701

FILE # ML-40132-98  
I.D. # 40132

**TOPIC:** May an elected official of a county who is a member of the salary grievance committee pursuant to Texas Local Government Code Sec. 152.014 (a)(1), vote on his own salary grievance?

**DISCUSSION:** The Tom Green County Commissioners' Court elected to compose the Elected Officials Grievance Committee of six elected officials and three public members, as provided for by Texas Local Government Code Sec. 152.014(a)(1).

Section 152.016 (c) provides that after the grievance hearing if all nine members vote to recommend the increase and sign the recommendation, the commissioners court **shall** include the increase in the budget, and the increase will take effect in the next budget year.

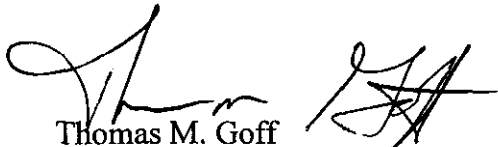
Since the section quoted from above requires nine votes (rather than a unanimous vote) an elected official sitting on the committee would be required to vote on his own grievance in order for the committee recommendation to be binding on the court.

This raises the question which is submitted to your opinion committee. If the elected official would be required to abstain from voting on their own grievance, they would be unable to receive nine votes to make the recommendation binding, which would make the grievance procedure moot.

This appears to be a question of first impression as I cannot find any case authority or previous Attorney General Opinions on the question raised. It would be helpful if this question is resolved before the next budget year.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Goff', with a stylized flourish at the end.

Thomas M. Goff  
County Attorney for Tom Green County, Texas